

ALAB MEETING MINUTES

Monday, September 12, 2011

Members and Alternates Present: Dee Lacey, Dick Nock, Jean-Pierre Wolff, Richard Hawley, R. Don Warden, Lisen Bonnier, Mary Bianchi, Charles Pritchard, Tom Ikeda, Mark Pearce, Richard Quandt, Bill Struble, and Joy Fitzhugh

Absent Members: Noah Small, Neil Roberts, Eric Michielssen, and David Pruitt

Guests Present: Lisa Bodrogi, Paso Robles Wine Country Alliance

Staff: Brenda Ouwerkerk, Marc Lea, and Lynda Auchinachie, Agriculture Department; Terry Wahler and Karen Nall, Planning Department; Michael Garcia and Tom Bordonaro, Assessor's Office

Call to Order: 6:05 PM. Quorum Present.

- **Open Comment:** ALAB members provided a brief update on the current state of their industry.

1. Agency Reports & Member Announcements/Reports:

- Brenda Ouwerkerk introduced Marc Lea. Marc was recently promoted to Deputy Agricultural Commissioner and his future responsibilities will include management of the Ag Department's land use program.

2. Previous Minutes:

MOTION: Approve minutes: **Motion – Bill Struble. 2nd – Dick Nock. Approved: Unanimous. Abstentions: none.**

3. Review Williamson Act Update and Discussion of Implementation of AB 1265 (Terry Wahler, Planning Department; Tom Bordonaro and Michael Garcia, County Assessor)

- Terry Wahler indicated that he was recently involved in a conference call with six of the eight counties that had already implemented property taxation changes similar to those allowed by AB 1265. Terry shared that he learned most of the counties did not receive back their full subvention amount by implementing the changes, however, the returns were considered substantial and the effort was deemed worthwhile. Additionally, implementation of the taxation changes did not end up being as onerous or as expensive as feared. Terry indicated that the Board of Supervisors (BOS) will be discussing the potential implementation of AB 1265 provisions at their September 27, 2011, hearing. No formal action will be taken at that time.
- Tom Bordonaro discussed how the Assessor's Office would calculate property tax increases for Williamson Act properties if AB 1265 was implemented (see agenda handout). Tom indicated that he would anticipate an increase in appeals, phone calls, and other administrative tasks. Tom estimated that the county would receive a little over one million dollars if AB 1265 were enacted this year. This amount would be within ten percent of the last subvention funds received. Tom indicated individuals could contact him directly with questions at 781.5636.
- Michael Garcia walked ALAB members through examples of how tax increase would be calculated using Proposition 13 and Williamson Act assessment values that the Assessor's Office tracks for each property (see agenda handout). Michael estimated that the county forgoes approximately three million dollars in property tax for Williamson Act properties and that the former state subvention funds equaled about one million dollars. Michael can be reached at 461.6148.

- ALAB members questioned whether there was any flexibility regarding the tax rate or allowances for a phased-in implementation approach written into the legislation. Tom Bordonaro indicated there was not flexibility and that local government needs to follow the formula that was adopted by the legislature to calculate tax increases. Tom also mentioned his belief that if AB 1265 is implemented, the state will not return to providing subvention funds.
- A motion was made to recommend the BOS NOT implement AB 1265 (see below). Discussion associated with the motion included Lisen Bonnier questioning if it didn't make more sense to pay a small increase in property tax today rather than risk losing program completely. Lisen shared observations about national debt and the desire to shrink government subsidies, including agricultural subsidies. Lisen expressed caution about raising taxes; however, she supports AB 1265 implementation to save the program.
- Joy Fitzhugh indicated she did not believe Williamson Act should be considered a subsidy because property tax rates are based on agricultural production rather than speculative development value. Joy indicated the subventions represent only one percent of the county budget and therefore it is not much. Joy indicated that implementation of AB 1265 is not the only choice and that the county could consider enforcement of ongoing agriculture requirements of the Act.
- Some ALAB members suggested that if AB 1265 were implemented perhaps there could be the flexibility to set aside a percentage of the collected taxes to be used specifically to benefit agriculture. ALAB members suggested this idea could be explored further if the BOS votes to implement AB 1265.

Motion – Write a letter recommending to the Board of Supervisors that they maintain the status quo of backfilling subvention funding, consider changes to program eligibility standards, and that AB 1265 not be implemented. **Motion:** Dick Nock. **Second:** Charles Pritchard. **Approved: 8. Opposed: none. Abstentions: 2 – Richard Hawley and Lisen Bonnier. Not Present: 1- Tom Ikeda**

4. Review of Event Ordinance Revisions (Karen Nall, Planning Department)

- Karen Nall provided ALAB members a matrix that outlined the Planning Commission (PC) recommended Event Ordinance (see attached). Karen indicated the PC spent four meetings reviewing and revising an ordinance prepared by the Planning Department based on BOS directive. While the majority of the ordinance was not revised, Karen indicated the PC is recommending changes that would 1) limit the number of nonprofit events that could occur without a permit, 2) reduce setbacks for parcels that are less than ten acres in size, and 3) not allow for a sliding scale of attendees based on larger parcel sizes and setbacks. PC ultimately voted 3-2 to recommend a revised version to the BOS. The Event Ordinance will be discussed by the BOS at their October 4, 2011, hearing.
- Based on questions from ALAB members, Karen clarified that any use of structures associated with a permitted event must meet public occupancy standards for safety purposes.
- ALAB members expressed concerns regarding a 501c3 nonprofit terminology and that the ordinance would be making it more complicated for farmers to do business. Karen shared the background of abuse associated with the current ordinance relative to nonprofit events and explained rationale behind proposed 501c3 language. Karen indicated that the proposed definition of an Event exempts agricultural nonprofits from the permitting process and that they do not need to be a 501c3. Karen also provided a comparison between what is currently required for a Temporary Event Minor Use Permit and what is proposed through a Ministerial

Permit to demonstrate that permitting is not becoming more complicated.

- Joy Fitzhugh provided ALAB members with a copy of their October 12, 2010, Event Ordinance letter that was sent to the BOS. ALAB commented that the previous ordinance was more in line with ALAB's recommendations. Several members commented on the complexity of the ordinance and questioned the enforceability of the ordinance.
- Chair Lacey, Joy Fitzhugh, and Lisa Bodrogi agreed to form a subcommittee to review current ordinance proposal. The subcommittee will report back at ALAB's October 3, 2011, meeting.
- Because of the ongoing confusion regarding the applicability of the ordinance, ALAB members recommended that a preamble be included on the matrix and the ordinance to explain who or what organizations may require a permit. ALAB members also encouraged the development of an Events User Guide similar to what was produced for agricultural grading.

5. Upcoming Meeting: October 3, 2011, 6 PM

Additional Comment: Chair Lacey indicated the Agricultural Cluster Subdivision Program Draft Environmental Impact Report is available on a CD or at <http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices/deir2011.htm> The first public hearing is tentatively scheduled for January 2012.

Future Agenda Items: Continuation of Williamson Act AB 1265 Implementation, Events, and the Agricultural Cluster Subdivision Draft Environmental Impact Report. Meeting adjourned: 8:05 PM.

Respectfully submitted by Lynda Auchinachie, County Agriculture Department.

Permit Levels	Nonprofit Events	Ministerial	Minor Use Permit (MUP)	Conditional Use Permit (CUP) or Development Plan (DP)
NUMBER OF EVENTS	3 per year	12 per year	13 to 20 per year	Over 20 per year
NUMBER OF ATTENDEES	175 w/o alt transportation 500 w/ alt transportation	50 to 175	176 to 250	Over 250
PERMIT TIME LIMITS	1 year	1 year	Granted by the Hearing Officer	Granted by the Planning Commission

Design Standards

STANDARDS	REQUIREMENTS	HOW TO MODIFY
Access	2 vehicle access points 20 feet wide	Adjustment with Fire and or Public Works approval

Setbacks		
Ag Land Use Category	300 feet to property line sites greater 10 acres 100 feet to property line sites less than 10 acres 200 feet to adjacent residences	MUP
Other Categories	30 feet to property line 200 feet to adjacent residences	MUP
Urban and Village	Per LUO or CZLUO	MUP
Riparian/Drainage	100 feet from centerline or edge of vegetation	MUP

Parking		
Required	1 space per 2.5 attendees	MUP
Parking On Public Road	OK within URLs & VRLs	MUP
Off-site parking	Requires MUP approval	MUP

Hours of Operation		
Breakfast	8 am to 12 pm	MUP, CUP/DP
All Other Events	10 am to 10 pm	MUP, CUP/DP
Set up/Clean up	8 am to 11 pm	MUP, CUP/DP

Amplified Sound		
Acoustical analysis required and Limited to 10 am to 9 pm	Demonstrates 65dB at property line	Waive acoustical analysis for Ministerial for indoor events or no more than 3 events with sound & site is ½ mile to PL or residence

Use of Structures		
Existing Structures	Permitted for Commercial or Assembly & ADA	MUP
New Structures	Required CUP/DP approval	CUP/DP

Fugitive Dust	Dust Control Plan required	MUP
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Additional Requirements

STANDARDS	REQUIREMENTS	APPLY TO EVENT PERMITS
Public Notice		
Pre Notice	1,000 feet	MUP, CUP/DP
Public Hearing	1,000 feet	MUP, CUP/ DP
Fire Protection		
	Fire Safety Letter	All
Health Department		
Potable Water Supply	Adequate and tested	All
Toilet Facilities	Sufficient numbers	All
Solid Waste Disposal	Compliant method	All
Vector Control	Plan for control	All
Food Service	Certified venders	All
Required Findings		
Ag category or adjacent to ag	No effect to ag on-site or adjacent ag, minimized event use area	MUP, CUP/DP
Additional Notification		
P & B, APCD, Sheriff and 1,000 feet	List of all events, 24 contact info, contact info for Code Enforcement, Sheriff and APCD	All
Violations		
	One substantiated complaint no land use permit granted	All
Site Restoration		
	A bond may be required	MUP, CUP/DP
Existing Exempt Temporary Events		
	Come into compliance with permit and new standards within one year.	All